

Senate File 2209 - Introduced

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BY REICHMAN

A BILL FOR

1 An Act relating to the practice of barbering and cosmetology
2 arts and sciences and providing transition provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 10A.104, subsection 14, Code 2022, is
2 amended to read as follows:

3 14. Administer inspections of cosmetology ~~salons~~
4 ~~establishments~~ under ~~section 157.7~~ and ~~barbershops~~ under
5 ~~section 158.6~~ chapter 157.

6 Sec. 2. Section 147.13, subsection 11, Code 2022, is amended
7 to read as follows:

8 11. For cosmetology arts and sciences, the board of
9 barbering and cosmetology arts and sciences.

10 Sec. 3. Section 147.13, subsection 12, Code 2022, is amended
11 by striking the subsection.

12 Sec. 4. Section 147.14, subsection 1, paragraphs a and n,
13 Code 2022, are amended by striking the paragraphs.

14 Sec. 5. Section 147.14, subsection 1, Code 2022, is amended
15 by adding the following new paragraph:

16 NEW PARAGRAPH. x. For barbering and cosmetology arts and
17 sciences, three members who are licensed cosmetologists, at
18 least one of whom is also a licensed instructor of cosmetology
19 arts and sciences; two members who are licensed to practice
20 barbering and hairstyling; one member who is a licensed
21 electrologist, esthetician, or nail technologist; one member
22 who owns a school of cosmetology arts and sciences; and
23 two members who are not licensed to practice barbering and
24 hairstyling or licensed in a practice of cosmetology arts and
25 sciences and who shall represent the general public.

26 Sec. 6. Section 147.76, Code 2022, is amended to read as
27 follows:

28 **147.76 Rules.**

29 The boards for the various professions shall adopt all
30 necessary and proper rules to administer and interpret this
31 chapter and ~~chapters 148 through 158~~ 157, except ~~chapter 148D~~.

32 Sec. 7. Section 157.1, Code 2022, is amended by adding the
33 following new subsections:

34 NEW SUBSECTION. 01. "*Barber*" means a person who performs
35 the practice of barbering, or otherwise by the person's

1 occupation claims to have knowledge or skill particular to the
2 practice of barbering.

3 NEW SUBSECTION. 001. "*Barbering*" means the practices listed
4 in this subsection performed with or without compensation.
5 "*Barbering*" includes but is not limited to the following
6 practices performed upon the upper part of the human body of
7 any person for cosmetic purposes and not for the treatment of
8 disease or physical or mental ailments:

9 a. Shaving or trimming for hair removal by the use of a
10 straight edge razor.

11 b. Giving facial and scalp massages or treatments with oils,
12 creams, lotions, or other preparations either by hand, or by
13 electrical or mechanical appliances.

14 c. Singeing, shampooing, hair body processing, curling,
15 blow waving, hair relaxing, bleaching or coloring the hair, or
16 applying hair tonics.

17 d. Applying cosmetic preparations, antiseptics, powders,
18 oils, clays, waxes, or lotions to the scalp, face, or neck.

19 e. Styling, cutting, or shampooing hairpieces or wigs when
20 done in conjunction with haircutting or hairstyling.

21 NEW SUBSECTION. 10A. "*Establishment*" means a fixed place
22 or a place that is readily movable where one or more persons
23 engage in the practice of cosmetology arts and sciences or
24 barbering, including but not limited to a retail establishment.

25 Sec. 8. Section 157.1, subsection 1, Code 2022, is amended
26 to read as follows:

27 1. "*Board*" means the board of barbering and cosmetology arts
28 and sciences.

29 Sec. 9. Section 157.1, subsection 26, Code 2022, is amended
30 by striking the subsection.

31 Sec. 10. Section 157.1, subsection 27, Code 2022, is amended
32 to read as follows:

33 27. "*School of barbering and cosmetology arts and sciences*"
34 means an establishment operated for the purpose of teaching
35 cosmetology arts and sciences.

1 Sec. 11. Section 157.2, subsection 1, paragraphs b and c,
2 Code 2022, are amended to read as follows:

3 **b.** Licensed barbers who practice barbering ~~as defined in~~
4 ~~section 158.1.~~

5 **c.** Students enrolled in licensed schools of barbering
6 and cosmetology arts and sciences ~~or barber schools~~ who are
7 practicing under the instruction or immediate supervision of
8 an instructor.

9 Sec. 12. Section 157.2, subsection 1, paragraph h, Code
10 2022, is amended by striking the paragraph.

11 Sec. 13. Section 157.2, subsection 2, Code 2022, is amended
12 to read as follows:

13 2. Cosmetologists shall not represent themselves to the
14 public as electrologists, estheticians, or nail technologists
15 unless the cosmetologist has completed the ~~additional~~ course of
16 study for the respective practice as prescribed by the board
17 pursuant to section 157.10.

18 Sec. 14. Section 157.3, subsection 1, paragraph a, Code
19 2022, is amended to read as follows:

20 **a.** Presents to the department a diploma, or similar
21 evidence, issued by a licensed school of barbering and
22 cosmetology arts and sciences indicating that the applicant
23 has completed the course of study for the appropriate practice
24 of the cosmetology arts and sciences prescribed by the board.
25 An applicant may satisfy this requirement upon presenting a
26 diploma or similar evidence issued by a school in another
27 state, recognized by the board, which provides instruction
28 regarding the practice for which licensure is sought, provided
29 that the course of study is equivalent to or greater in length
30 and scope than that required for a school in this state, and is
31 approved by the board.

32 Sec. 15. Section 157.4, subsection 3, paragraph a, Code
33 2022, is amended to read as follows:

34 **a.** The permit shall be issued for a specific event and may
35 be issued to ~~a salon~~ an establishment, school of barbering and

1 cosmetology arts and sciences, or person.

2 Sec. 16. Section 157.6, Code 2022, is amended to read as
3 follows:

4 **157.6 Sanitary rules — practice in the home.**

5 The department shall prescribe sanitary rules for ~~salons~~
6 establishments and schools of barbering and cosmetology arts
7 and sciences which shall include the sanitary conditions
8 necessary for the practice of cosmetology arts and sciences
9 and for the prevention of infectious and contagious diseases.
10 Subject to local zoning ordinances, ~~a salon~~ an establishment
11 may be established in a residence if a room other than the
12 living quarters is equipped for that purpose. The department
13 shall enforce this section and make necessary inspections for
14 enforcement purposes.

15 Sec. 17. Section 157.7, subsection 1, Code 2022, is amended
16 to read as follows:

17 1. The department of inspections and appeals shall
18 employ personnel pursuant to chapter 8A, subchapter IV, to
19 perform duties related to inspection functions under this
20 chapter. ~~The department of inspections and appeals shall, when~~
21 ~~possible, integrate inspection efforts under~~ this chapter ~~with~~
22 ~~inspections conducted under~~ chapter 158.

23 Sec. 18. Section 157.8, subsection 1, Code 2022, is amended
24 to read as follows:

25 1. It is unlawful for a school of barbering and cosmetology
26 arts and sciences to operate unless the owner has obtained
27 a license issued by the department. The owner shall file a
28 verified application with the department on forms prescribed
29 by the board.

30 Sec. 19. Section 157.8, subsection 2, paragraph c, Code
31 2022, is amended by striking the paragraph.

32 Sec. 20. Section 157.8, subsection 2, paragraph d, Code
33 2022, is amended to read as follows:

34 *d.* The school of barbering and cosmetology arts and sciences
35 must pass a sanitary inspection under section 157.6. An annual

1 inspection of each school of barbering and cosmetology arts and
2 sciences, including the educational activities of each school,
3 shall be conducted and completed by the board or its designee
4 prior to renewal of the license.

5 Sec. 21. Section 157.9, Code 2022, is amended to read as
6 follows:

7 **157.9 License suspension and revocation.**

8 Any license issued by the department under the provisions
9 of this chapter may be suspended, revoked, or renewal denied
10 by the board for violation of any provision of this chapter
11 ~~or chapter 158~~ or rules promulgated by the board under the
12 provisions of chapter 17A.

13 Sec. 22. Section 157.10, subsection 3, Code 2022, is amended
14 to read as follows:

15 3. A ~~barber licensed under chapter 158 or a student in~~
16 a barber school who ~~applies for licensure in a practice of~~
17 ~~cosmetology arts and sciences or who enrolls in a school of~~
18 barbering and cosmetology arts and sciences shall be granted,
19 at the discretion of the school, at least half credit and
20 up to full credit for each course successfully completed for
21 ~~licensure as a barber in the practice of barbering~~ which meets
22 the requirements for licensure in a the practice of barbering
23 or the practice of cosmetology arts and sciences.

24 Sec. 23. NEW SECTION. **157.10A Course of study — barbering.**

25 1. The course of study for a license to practice barbering
26 shall consist of at least two thousand one hundred hours of
27 instruction as prescribed by the board and shall include
28 instruction in all phases of the practice of barbering. The
29 course shall require at least ten months of instruction for
30 completion.

31 2. The course shall include not less than three hundred
32 hours of demonstrations and lectures in law; ethics;
33 equipment; shop management; the history of barbering;
34 sanitation; sterilization; personal hygiene; first aid;
35 bacteriology; anatomy; scalp, skin, hair and their common

1 disorders; electricity as applied to barbering; chemistry and
2 pharmacology; scalp care; hair body processing; hairpieces;
3 honing and stropping; shaving; facials, massage and packs;
4 haircutting; hair tonics; dyeing and bleaching; instruments;
5 soaps; and shampoos, creams, lotions, waxes, and tonics.

6 3. The course shall include not less than one thousand four
7 hundred hours of supervised practical instruction in scalp care
8 and shampooing, honing and stropping, shaving, haircutting,
9 hairstyling and blow waving, dyeing and bleaching, hair body
10 processing, facials, waxing, massage and packs, beard and
11 mustache trimming, and hairpieces.

12 Sec. 24. Section 157.11, Code 2022, is amended to read as
13 follows:

14 **157.11 Salon Establishment licenses.**

15 1. ~~A salon~~ An establishment shall not operate unless the
16 owner has obtained a license issued by the department. The
17 owner shall apply to the department on forms prescribed by the
18 board. The department may perform a sanitary inspection of
19 each ~~salon~~ establishment biennially and may perform a sanitary
20 inspection of ~~a salon~~ an establishment prior to the issuance of
21 a license. An inspection of ~~a salon~~ an establishment may also
22 be conducted upon receipt of a complaint by the department.

23 2. The application shall be accompanied by the biennial
24 license fee determined pursuant to [section 147.80](#). The license
25 is valid for two years and may be renewed.

26 3. A licensed school of barbering and cosmetology arts
27 and sciences at which students practice cosmetology arts and
28 sciences or barbering is exempt from licensing as ~~a salon~~ an
29 establishment.

30 Sec. 25. Section 157.12, Code 2022, is amended to read as
31 follows:

32 **157.12 Supervisors.**

33 A person who directly supervises the work of practitioners
34 of cosmetology arts and sciences shall be licensed in the
35 practice supervised or a barber ~~licensed under~~ [section 158.3](#).

1 Sec. 26. Section 157.13, subsection 1, unnumbered paragraph
2 1, Code 2022, is amended to read as follows:

3 It is unlawful for a person to employ an individual to
4 practice cosmetology arts and sciences unless that individual
5 is licensed or has obtained a temporary permit under this
6 chapter. It is unlawful for a licensee to practice with
7 or without compensation in any place other than a licensed
8 ~~salon establishment, or~~ a licensed school of barbering and
9 cosmetology arts and sciences,~~or a licensed barbershop as~~
10 ~~defined in section 158.1~~. The following exceptions to this
11 subsection shall apply:

12 Sec. 27. Section 157.13, subsection 1, paragraph a, Code
13 2022, is amended to read as follows:

14 a. A licensee may practice at a location which is not
15 a licensed ~~salon establishment~~, school of barbering and
16 cosmetology arts and sciences, or licensed barbershop under
17 extenuating circumstances arising from physical or mental
18 disability or death of a customer.

19 Sec. 28. Section 157.13, subsection 3, Code 2022, is amended
20 to read as follows:

21 3. If the owner or manager of a ~~salon~~ an establishment does
22 not comply with the sanitary rules adopted under section 157.6
23 or fails to maintain the ~~salon establishment~~ as prescribed by
24 rules of the department, the department may notify the owner
25 or manager in writing of the failure to comply. If the rules
26 are not complied with within five days after receipt of the
27 written notice by the owner or manager, the department shall in
28 writing order the ~~salon establishment~~ closed until the rules
29 are complied with. It is unlawful for a person to practice
30 in a ~~salon~~ an establishment which has been closed under this
31 section. The county attorney in each county shall assist the
32 department in enforcing this section.

33 Sec. 29. Section 261.9, subsection 3, paragraph b, Code
34 2022, is amended to read as follows:

35 b. Is a ~~barber school~~ licensed under section 158.7 or

1 a school of barbering and cosmetology arts and sciences
 2 licensed under chapter 157 and is accredited by a national
 3 accrediting agency recognized by the United States department
 4 of education. For the fiscal year beginning July 1, 2017,
 5 an eligible institution under this paragraph shall provide a
 6 matching aggregate amount of institutional financial aid equal
 7 to at least seventy-five percent of the amount received by
 8 the institution's students for Iowa tuition grant assistance
 9 under section 261.16A. For the fiscal year beginning July
 10 1, 2018, the institution shall provide a matching aggregate
 11 amount of institutional financial aid equal to at least
 12 eighty-five percent of the amount received in that fiscal year.
 13 Commencing with the fiscal year beginning July 1, 2019, and
 14 each succeeding fiscal year, the matching aggregate amount of
 15 institutional financial aid shall be at least equal to the
 16 match provided by eligible institutions under paragraph "a".

17 Sec. 30. Section 261B.11, subsection 1, paragraph i, Code
 18 2022, is amended to read as follows:

19 *i.* Postsecondary educational institutions licensed by
 20 the state of Iowa under ~~section 157.8 or 158.7~~ chapter 157
 21 to operate as schools of cosmetology arts and sciences ~~or as~~
 22 ~~barber schools~~ in the state.

23 Sec. 31. Section 272C.1, subsection 6, paragraph g, Code
 24 2022, is amended to read as follows:

25 *g.* The board of barbering and cosmetology arts and sciences,
 26 created pursuant to chapter 147.

27 Sec. 32. Section 272C.1, subsection 6, paragraph i, Code
 28 2022, is amended by striking the paragraph.

29 Sec. 33. REPEAL. Chapter 158, Code 2022, is repealed.

30 Sec. 34. EMERGENCY RULES. The board of cosmetology arts
 31 and sciences, board of barbering, and board of barbering and
 32 cosmetology arts and sciences may adopt emergency rules under
 33 section 17A.4, subsection 3, and section 17A.5, subsection 2,
 34 paragraph "b", to implement the provisions of this Act and
 35 the rules shall be effective immediately upon filing unless

1 a later date is specified in the rules. Any rules adopted
2 in accordance with this section shall also be published as a
3 notice of intended action as provided in section 17A.4.

4 Sec. 35. TRANSITION PROVISIONS.

5 1. a. The merger of the boards of barbering and cosmetology
6 arts and sciences in this Act shall not affect the appointment
7 or any term of office of a member of either board prior to the
8 effective date of this Act. A member of the board of barbering
9 or the board of cosmetology arts and sciences shall continue to
10 serve until the member's term expires or the member ceases to
11 hold office, whichever first occurs.

12 b. The initial membership of the board of barbering and
13 cosmetology arts and sciences shall consist of all members
14 of the boards of barbering and cosmetology arts and sciences
15 serving on the effective date of this Act.

16 2. A rule adopted by the board of cosmetology arts and
17 sciences or board of barbering that is in force and effect
18 immediately prior to the effective date of this Act shall
19 continue in full force and effect until the earlier of the
20 following:

21 a. The rule is amended, rescinded, or supplemented by the
22 affirmative action of the board of barbering and cosmetology
23 arts and sciences.

24 b. The rule expires by its own terms.

25 3. Any license or permit issued by the board of cosmetology
26 arts and sciences or board of barbering in effect on the
27 effective date of this Act shall continue in full force and
28 effect until expiration or renewal, except as provided in
29 subsection 8.

30 4. Any funds in any account or fund of the board of
31 cosmetology arts and sciences or board of barbering shall
32 be transferred to the control of the board of barbering and
33 cosmetology arts and sciences.

34 5. Any cause of action, statute of limitation, or
35 administrative action relating to or initiated by the board of

1 cosmetology arts and sciences or board of barbering shall not
2 be affected as a result of this Act and shall apply to the board
3 of barbering and cosmetology arts and sciences.

4 6. All client and organizational files in the possession
5 of the board of cosmetology arts and sciences or board of
6 barbering shall become the property of the board of barbering
7 and cosmetology arts and sciences.

8 7. Any personnel in the state merit system of employment
9 who are mandatorily transferred due to the effect of this Act
10 shall be so transferred without any loss in salary, benefits,
11 or accrued years of service.

12 8. A person licensed as a barber as of July 1, 2022, shall
13 be considered to be a person licensed to practice barbering
14 pursuant to chapter 157 and shall be issued a license to
15 practice barbering pursuant to chapter 157 upon the expiration
16 of the person's barbering license.

17 9. A person currently enrolled in a barbering school in a
18 course of study requiring at least two thousand one hundred
19 hours of instruction must complete the course of study by
20 August 1, 2023. Each school of cosmetology arts and sciences
21 shall offer a course of study in barbering by August 1, 2023.

22 EXPLANATION

23 The inclusion of this explanation does not constitute agreement with
24 the explanation's substance by the members of the general assembly.

25 This bill relates to the practices of barbering and
26 cosmetology. The bill merges the boards of cosmetology
27 arts and sciences and barbering into the board of barbering
28 and cosmetology arts and sciences, repeals Code chapter 158
29 (barbering), and makes conforming changes. The bill gives
30 the board of barbering and cosmetology arts and sciences all
31 of the powers and responsibilities of the prior boards. The
32 bill provides that current members of the boards of barbering
33 and cosmetology arts and sciences shall become members of the
34 merged board until their terms expire or they are otherwise
35 replaced. The bill also provides that the current rules

1 of both boards shall remain in effect until the board of
2 barbering and cosmetology arts and sciences amends, rescinds,
3 or supplements the rules, or the rules expire by their own
4 terms. The bill grants the board of barbering, the board of
5 cosmetology arts and sciences, and the board of barbering and
6 cosmetology arts and sciences emergency rulemaking authority
7 to implement the provisions of the bill. The bill provides
8 additional transition provisions.

9 The bill moves the regulation of barbers to the control of
10 the board of barbering and cosmetology arts and sciences and
11 includes educational requirements for barbers identical to
12 those currently found in Code chapter 158 (barbering). The
13 bill repeals the definition of "salon" and replaces it with
14 a definition for "establishment", which includes a fixed or
15 readily movable location where cosmetology arts and sciences
16 or barbering is practiced. The bill also renames schools of
17 cosmetology arts and sciences to "schools of barbering and
18 cosmetology arts and sciences" and requires such schools to
19 offer a course in barbering by August 1, 2023.